

EXHIBIT 1



"Scott, Thane"
<TScott@palmerdodge
.com>

09/16/2005 11:55 AM

To: <afiotto@goodwinprocter.com>, <JChunias@goodwinprocter.com>, <rmccarthy@edwardsangell.com>, <mdubnow@edwardsangell.com>
cc: "Dowling, Ruth" <RDowling@palmerdodge.com>, "Bennett, John" <JBennett@palmerdodge.com>, "Allison, Melissa" <mallison@palmerdodge.com>
Subject: Scheduling

Tony and Rich,

Following up on our earlier conversation, we are amenable to the following arrangement. All parties will have through the month of October in which to complete depositions noticed by the end of September. Parties having the burden of proof will have until November 15th (the deadline currently stands at November 1) in which to provide expert reports. All other deadlines will remain unchanged. We agree to disagree as to the interpretation of the event limitation rules, and those rules will not be affected by the extension I've described.

Please let me know if this is agreeable to you.

Thane

This message is sent from a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.



"Fiotto, Anthony S"
<afiotto@goodwinproc
ter.com>

To: "Scott, Thane" <TScott@palmerdodge.com>
cc: <rmccarthy@ealaw.com>
Subject: RE: Scheduling

09/16/2005 04:15 PM

While I cannot accept this proposal because the rebuttal period, given the black hole of Thanksgiving week, is only 3 weeks, I would propose a compromise of moving Nov 1 date to Nov 7.

-----Original Message-----

From: Scott, Thane [mailto:TScott@palmerdodge.com]

Sent: Friday, September 16, 2005 11:55 AM

To: Fiotto, Anthony S; Chunias, Jennifer; rmccarthy@edwardsangell.com; mdubnow@edwardsangell.com

Cc: Dowling, Ruth; Bennett, John; Allison, Melissa

Subject: Scheduling

Tony and Rich,

Following up on our earlier conversation, we are amenable to the following arrangement. All parties will have through the month of October in which to complete depositions noticed by the end of September. Parties having the burden of proof will have until November 15th (the deadline currently stands at November 1) in which to provide expert reports. All other deadlines will remain unchanged. We agree to disagree as to the interpretation of the event limitation rules, and those rules will not be affected by the extension I've described.

Please let me know if this is agreeable to you.

Thane

This message is sent from a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

IRS CIRCULAR 230 DISCLOSURE:

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

This message is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to

**the attorney-client privilege or other confidentiality protections.
If you are not a designated recipient, you may not review, copy or
distribute this message. If you receive this in error, please notify
the sender by reply e-mail and delete this message. Thank you.**
